

Assembly Bill No. 524

CHAPTER 306

An act to add Section 361.1 to the Welfare and Institutions Code, relating to minors.

[Approved by Governor September 4, 2003. Filed
with Secretary of State September 5, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 524, Haynes. Dependent children.

Existing law authorizes the removal of a child from the custody of a parent or guardian under specified conditions, including the neglect or abuse of that child or the finding by the juvenile court that the minor is a dependent child of the court.

This bill would require that if a child is removed from the physical custody of a parent or guardian on specified grounds, the child shall be returned to the physical custody of the parent or guardian immediately after a finding by the juvenile court that the child is not a person who may be adjudged to be a dependent child of the juvenile court, but, in any case, not more than 2 working days after the date of that finding, except as specified.

The bill would also require the Judicial Counsel to adopt a rule of court to ensure proper notice to a parent or guardian regarding these provisions, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 361.1 is added to the Welfare and Institutions Code, to read:

361.1. (a) If a child is removed from the physical custody of a parent or guardian on the ground that the child may come within the jurisdiction of the juvenile court pursuant to Section 300, the child shall be returned to the physical custody of that parent or guardian immediately after a finding by the juvenile court that the child is not a person described in Section 300, but, in any case, not more than two working days following the date of that finding, unless the parent or guardian and the agency with custody of the child agree to a later date for the child's release. Nothing in this section shall affect a parent or guardian's remedies when a child is not returned immediately, as those remedies existed prior to enactment of this section.

(b) The Judicial Council shall adopt a rule of court to ensure proper notice to a parent or guardian regarding the circumstances and the timeframe in which a child is required to be released from custody pursuant to this section.

